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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

3

Application Number

10/601,720

Filing Date

June 23, 2003

First Named Inventor

Morris et al.

Art Unit

3743

Examiner Name

Teena Kay Mitchell

Attorney Docket Number

12873.04604

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

- Comments on Statement of Reasons for Allowance
- Check \$1,700
- Return Receipt Postcard

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Calfee, Halter & Griswold LLP

Signature

Printed name

Alan C. Brandt

Date

November 8, 2007

Reg. No.

50,218

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Robin D. Burger

Date

November 8, 2006

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Robin D. Burger

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Morris et al.

Examiner: Teena Kay Mitchell

Serial No.: 10/601,720

Group Art Unit: 3743

Filed: June 23, 2003

Confirmation No.: 8692

For: **SYSTEM AND METHOD FOR
PROVIDING A BREATHING
GAS**

Attorney Docket No.: 12873.04604

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Ladies and Gentlemen:

The applicants gratefully acknowledge the indication as to the allowance of the present application. However the applicants respectfully submit that the Statement of Reasons for Allowance are, in and of themselves, inappropriate. It is noted that reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear his or her reasons for allowing a claim or claims." (37 CFR §1.104(e)). In the present case, the applicants believe the record as a whole does make the reasons for allowance clear and,


Comments on Statement of Reasons for Allowance
Serial No. 10/601,720

therefore, no statement by the Examiner is necessary or warranted. Furthermore, the applicants do not necessarily agree with each statement in the reasons for allowance.

Specifically, it has been indicated that the claims are allowed by importing interpretations into the claims in relation to the prior art that results in a potential imprecise and/or inaccurate understanding of the reasons. This places an unwarranted interpretation upon the claims. Such a characterization of the claims does not properly take into account the applicants' claimed invention as reflected in the specification and the applicants' responses to Office Actions. Therefore, while the applicants believe the claims are allowable, the applicants do not acquiesce that patentability resides in only the features, exactly as expressed in the claims, nor that each feature is required for patentability.

Respectfully submitted,

Date: 8 November 2006



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